

The Commonwealth of Massachusetts

REPORT

of the

**COMMISSIONER
OF PROBATION**

for the

Years Ending December 31, 1958-1961



OFFICE OF THE COMMISSIONER OF PROBATION

**206 New Court House
BOSTON**

**PUBLICATION OF THIS DOCUMENT APPROVED BY
ALFRED C. HOLLAND, STATE PURCHASING AGENT**

To the Honorable Senate and House of Representatives:

The Office of the Commissioner of Probation respectfully submits herewith a report for the four-year period ending December 31, 1961. This report discusses some of the advances made and problems encountered during this period, as well as incorporating certain statistical tables indicative of trends. Although detailed figures as to each court—superior as well as municipal and district—are not given here, such data are readily available and furnish the background material for research and survey projects carried on by the Commissioner's Office and other authorized agencies.

This Office, originally established by statute in 1908 as the Commission on Probation and legislatively changed to the Board of Probation in 1929, primarily functioned as a gatherer and disseminator of record information among the courts. However, Chapter 731, of the Acts of 1956, reorganized the probation system, which had existed since 1878 without any fundamental change, and gave to the Commissioner's Office, far-reaching administrative authority and control over the state-wide probation service. The Committee on Probation, consisting of three justices, ex officio, and two members appointed by the Chief Justice of the Supreme Judicial Court, was established in place of the Board of Probation. This Committee, in consultation with the Commissioner, establishes salary schedules and promulgates qualifications for probation officer appointments, hears appeals on appointments and removals, approves rules and regulations initiated by the Commissioner and recommends to courts officer disciplinary action.

PROBATION OFFICER PERSONNEL

Since 1957 there has been developed a growing interest and frequent requests on the part of district court justices for surveys of their probation departments looking toward securing additional personnel. This Office, through Deputy Commissioner C. Eliot Sands, has responded to such calls from some two dozen courts, spending two or three days looking into the clerical and accounting facilities, the quantity and quality of pre-sentence investigations and supervision and the caseloads of each probation officer. Following these surveys an evaluation is sent the requesting justice together with recommendations aimed at improving the services. Subsequent budgetary requests from these courts have resulted in some thirty-eight additional probation officers being added during this period.

Appointments—both additional and replacement—must be approved by the Commissioner's Office as meeting the qualifications set up by the Committee on Probation as to

- (1) Exemplary character and demonstrated interest in human welfare.
- (2) Physical fitness, determined by a physician's certificate.
- (3) Age range—25 to 45 years, inclusive.
- (4) Education—a bachelor's degree from an accredited college, and
- (5) Experience—one year of paid full time experience in a social welfare or similar agency of high standards or one year of graduate work in a recognized school of social work.

However, discretion is given the Commissioner to approve an appointee of demonstrated and exceptional aptitude, should the latter substantially, but not precisely, meet the qualifications. An appeal lies to the Committee on Probation from the Commissioner's disapproval.

COMPENSATION

Prior to the state-wide scheduling of probation officer salaries in 1957, wide disparity existed between counties, ranging from \$3,400 in one county to \$7,300 in another and with no consistent policy as to increments in any, except that the Superior Court Committee on Personnel had established schedules for its probation personnel. In July of 1957 the Committee on Probation established a mini-

mum salary of \$4,800 and a maximum of \$7,300 to be attained in ten annual increments of \$250. The salaries of assistant chief probation officers ranged from \$5,750 to \$8,250 and the chief probation officers, depending on the size of the staff, \$5,500 to \$8,000 for a staff of two officers to the largest office, \$8,000 to \$10,500 with a staff of twenty-one or more officers. In keeping with subsequent state and county employee salary increases, the Committee re-established probation salaries by adding \$300 across the board on January 1, 1960 and \$600 on July 1, 1961.

At long last the salaries of probation officers in Massachusetts are now equalized on a state-wide basis and are on a par with other progressive state jurisdictions.

The establishment of minimum qualifications for appointment and adequate salary schedules has done much to professionalize the service and to raise morale in an undertaking initiated here by statute in 1878 and since when the philosophy of which has spread throughout the civilized world.

LEGISLATION

1958

CHAPTER 92. Implements Interstate Juvenile Compacts by return of juvenile to requesting states from any state in which he may be found.

CHAPTER 200. Makes a corrective change in proceedings involving neglected children.

CHAPTER 239. Amends Uniform Reciprocal Enforcement of Support Act relative to jurisdiction and enforcement of support orders and transfer of proceedings.

CHAPTER 362. If the home state of a juvenile is willing and the state in which he has committed a delinquency is also willing, the home state shall within five days authorize his return.

CHAPTER 646. Providing further for care, treatment and rehabilitation of certain dangerous sexual offenders.

1959

CHAPTER 526. Abolishes the previous legislation relative to compensation of temporary probation officers and establishes their salary at the minimum scheduled for probation officers.

CHAPTER 568. Increases the salary of the justice of the Newton District Court and provides that he shall devote full-time to his judicial duties.

CHAPTER 586. Increases the salary of the justice of the Second District Court of Plymouth (Hingham-Abington) and provides that he shall devote full-time to his judicial duties.

1960

CHAPTER 269. Gives the same rights to certain persons charged with a felony and held in detention, to use telephone within one hour of being booked, as the right given to persons booked for misdemeanors.

CHAPTER 353. Delinquent child defined as "a child between 7 and 17 years of age who violates any city ordinance or town by-law or who commits any offence against a law of the Commonwealth." Also provides that all juvenile offenders be first brought into the Boston Juvenile or district courts.

CHAPTER 565. Establishes the Massachusetts Defenders Committee.

1961

CHAPTER 74. Prisoners serving sentences in jails or houses of correction shall have sentences reduced by the number of days held in custody awaiting trial, as is the case with prisoners serving sentences in state penal institutions.

CONFERENCES AND INSTITUTES

Each year during this period the usual state-wide Fall meeting of probation officers has been held, as have the five regional conferences. These conferences, called by the Commissioner, have been well attended, with judges in attendance also. The smaller regional conferences lend themselves more easily to informal discussion of day to day problems, and from which those in attendance take away much practical information.

In May of 1959 the three-day National Institute on Probation and Parole was held in Swampscott. The many hundreds in attendance came from many states, Canada and other foreign countries. Massachusetts justices and probation officers participated in the program which was in charge of Deputy Commissioner Sands as Chairman. In addition to these specifically professional meetings, probation personnel have been encouraged to attend related meetings, such as the state conference of social work, regional mental and public health meetings, as well as conferences on alcoholism and others.

In 1961, following several meetings between the Boston School of Social Work and this Office a two-semester four-credit graduate course in "Principles and Practice in the Field of Probation" was inaugurated in the Fall of 1961. This course was restricted to 32 students in the fields of probation, parole and correctional institutions and was organized by Deputy Commissioner Sands who integrated the thirty-two hour sessions each week and secured the fourteen outstanding lecturers on the various topics of correctional methods and techniques. The United Community Services of Metropolitan Boston through its Duncan W. Russell Memorial Fund underwrote the tuition fees for the eight each probation officers, parole officers, youth service board and state penal institution workers.

CENTRAL COURT RECORD BUREAU

Records Received. As indicated above, this office was originally established to secure and disseminate record information among the courts and police officials. To this end statutory authority was given it to require probation and paroling officials to transmit such record data as might be required to maintain a central court record bureau. In the early 1920's this facility became state-wide in scope and has continued so.

There has been a 42% increase in the number of record cards received in 1961 with 203,573 as compared to the 143,446 in 1951. This indicates a steady increase, averaging some 3,500 yearly, in the number of criminal cases disposed of in the Massachusetts courts since 1945, when the total was 124,230. The consistent increase is clearly shown by the following four-year period:

COURT RECORDS RECEIVED (Table 1)

<i>Year</i>	<i>Number</i>
1958	181,037
1959	196,947
1960	199,182
1961	203,573

Record Inquiries. The record cards daily received with their identifying data are carefully checked with cards previously received and, when matched in every detail, are combined into a master card and filed for subsequent inquiry by authorized agencies. These agencies have been listed by statute to be the courts and police officials and, at the discretion of the Commissioner, other governmental agencies and educational and philanthropic organizations.

There has been a consistent annual increase in the number of inquiries for court record information during the past four years as follows:

RECORD INQUIRIES (Table 2)

<i>Year</i>	<i>Courts</i>	<i>Miscellaneous</i>	<i>Total</i>
1958	144,929	305,136	450,065
1959	161,161	314,168	475,329
1960	162,401	291,185	453,586
1961	169,132	300,901	470,033

There has been an average increase of some 10,000 each year in record inquiries since 1945, with its total of 343,146. Not since 1940 have the courts, with 120,393 inquiries, totalled more than the miscellaneous group, with its total then of 116,159. The courts have attained a 40% growth during this 21-year period, while the miscellaneous group has increased 160%. The latter group of inquirers with their contribution to the group total in 1961 are federal, 28%; state, 43%; cities and towns, including police, 24%; and educational and philanthropical agencies 5%.

PROBATION POPULATION

The probation population is determined by a count of all those remaining under probation supervision as of December 31st of each year. The average aggregate probation population for the four-year period (1958-1961) is 23,122 as against the average of 21,018 for the previous five-year period. This 2,000 increase is accounted for in the number of men remaining on probation. The numbers of women and girls remain constant, while the number of boys has experienced an average decrease of 500 over the four-year period.

The superior court annual population totals average 4,285 for this period as compared to 3,694 for the previous five-year period and 3,717 for the years 1948-1952, showing a reversal of the prior downward trend.

The breakdown of probation population in the several categories is as follows:—

PROBATION POPULATION (Table 3)

COURTS	1961				
	Total	Boys	Girls	Men	Women
SUPERIOR COURTS	4,456	70	6	4,151	229
OTHER COURTS	19,716	2,391	428	15,489	1,408
TOTAL	24,172	2,461	434	19,640	1,639

COURTS	1960				
	Total	Boys	Girls	Men	Women
SUPERIOR COURTS	4,208	77	8	3,904	219
OTHER COURTS	18,886	2,182	377	14,968	1,359
TOTAL	23,094	2,259	385	18,872	1,578

COURTS	1959				
	Total	Boys	Girls	Men	Women
SUPERIOR COURTS	4,412	91	5	4,063	253
OTHER COURTS	18,168	2,166	457	14,096	1,449
TOTAL	22,580	2,257	262	18,159	1,702

COURTS	1958				
	Total	Boys	Girls	Men	Women
SUPERIOR COURTS	4,070	66	3	3,785	216
OTHER COURTS	18,572	2,507	437	14,260	1,368
TOTAL	22,642	2,573	440	18,045	1,584

The 1961 ratio of probationers to probation officers, exclusive of those in administrative positions, such as chiefs and assistant chief probation officers, follows:

<i>Courts</i>	<i>Supervisor</i>	<i>Chief</i>	<i>Assistant Chief</i>	<i>Probation Officers</i>	<i>Total Personnel</i>	<i>Probation Population</i>	<i>Probation Officer Caseload</i>
Superior	1	7	3	29	40	4,456	153.6
Other	—	46	11	180	237	19,716	94.3
Aggregate	1	53	14	209	277	24,172	115.8

The fact that many probation officers, both in the superior and other courts, have the responsibility of making pre-sentence investigations and being in court during criminal sessions drastically limits the probation service in its duty to adequately supervise persons placed on probation. A supervision load of 154 probationers per officer in the superior court is an unconscionable and frustrating burden, while the load of 94 probationers per officer in the other courts, heavy as it is, would be 139 probationers each, were it not for the appointment of 38 additional officers in the lower courts during the last five years. The National Council on Crime and Delinquency considers an optimum supervision load of 50 to be reasonable.

The Superior Court has repeatedly requested the legislature for additional probation personnel but without success. This situation is particularly distressing when one notes that parole officers, whose sole responsibility is supervision, have a parole caseload of 80 parolees or almost one-half that of these probation officers.

JUVENILE COURT APPEARANCES

Due to increased work pressures and the lack of adequate personnel, the Commissioner's Office has not been able to tabulate the juvenile dispositions by offences. However, the number of juveniles (7-17 years) involved in delinquency is indicated by court appearances, many of which result in not delinquent findings.

It will be noted that total-wise, in table 4 below, are some 300 less court appearances in 1961 than in 1958. Although the girls show a slight increase, the same ratio holds true as to Boston Juvenile appearances, but with a smaller and almost imperceptible increase in the percentage the Boston appearances bear to the state total. It is interesting to note that ten years ago the Boston Juvenile appearances were 37% of the state total as compared to 25.5% in 1961. This might indicate that the core of the delinquency problem is shifting from Boston to the suburbs and to the other growing centers of population throughout the Commonwealth.

JUVENILE COURT APPEARANCES (Table 4)

APPEARANCES—STATE TOTALS					BOSTON COURT APPEARANCES			
YEAR	Boys	Girls	Total	% of Yearly Increase or Decrease	Boys	Girls	Totals	% of State Total
1958	8,572	1,121	9,693	—0.3	2,072	354	2,426	25.0
1959	7,921	1,048	8,969	—7.5	2,048	339	2,387	26.5
1960	7,946	1,162	9,108	+1.6	1,870	421	2,291	25.2
1961	8,146	1,192	9,338	+2.5	1,980	400	2,380	25.5

DRUNKENNESS ARRESTS AND RELEASES

In Massachusetts it was early felt that no practical purpose was served to hold until the next court sitting a person arrested for drunkenness following adjournment the previous day. The early statute (chapter 427, Acts of 1891) permitted a person arrested for drunkenness to be released from the lockup

without a court appearance if the probation officer, following an investigation, found the arrested person had not been arrested for drunkenness more than twice in the previous year. This was subsequently extended to four such arrests annually. Aside from the onerous duty of making early morning investigations to enable those arrested to go to their employment, the probation officers are given the opportunity to select the younger and less addicted persons for probation supervision and for referral to clinics, hospitals and other agencies such as Alcoholics Anonymous. Although our state population has increased (1960, 5,148,578) since 1910 (3,366,416) and drunkenness arrests still continue to be high in point of frequency, arrest figures show a diminution, with the same approximate percentage of such releases in 1960 as in 1911:

<i>Year</i>	<i>Total arrested</i>	<i>Total released</i>	<i>Percentage of releases</i>
1911	82,381	37,746	46
1960	68,162	32,203	47

These figures would seem to indicate that either the community is more tolerant of drunkenness or that the increasing facilities, both public and private, for treating such addiction as a disease rather than a criminal offense is beginning to help in prevention as well as giving the younger offenders a better understanding of the problem.

DRUNKENNESS ARRESTS AND RELEASES (Table 5)

	1961			1960		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
ARRESTS	67,147	62,774	4,373	68,162	63,436	4,726
RELEASES	31,236	29,205	2,031	32,202	29,946	2,256

	1959			1958		
	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
ARRESTS	69,330	64,589	4,741	64,156	59,831	4,325
RELEASES	33,063	30,750	2,313	31,032	28,855	2,177

MONEY COLLECTIONS

During the period 1958-1961 money collections and disbursements by probation departments continued their fast growing increase and in 1961 topped the ten million dollar mark. This 1961 total, \$10,568,791.97 is a \$1,528,317.82 increase over 1960. A good proportion of the 1961 total is reflected by more efficient accounting procedures and by including in the "miscellaneous" column accommodation collections, that is, collections not under court order but which represent payments made through probation office facilities, usually to forestall non-support petitions. In two counties payments made by order of the probate courts are included in this category. Previously these amounts were counted in the non-support column or omitted.

In the ten year period 1952-1961, money collections by probation offices has more than doubled, the 1952 collections being \$5,234,193.70, and since 1934, when \$1,592,308.61 was collected, the present amount represents an increase almost seven times that of the latter total.

Such collections of monies and the processing of payments are time-consuming, but a great saving in both human values and self-respect not to mention welfare costs when it is known that more than 90% is attributable to family

support. However, a growing number of the larger departments have mechanized their accounting systems during the past four years, resulting in increased accuracy and efficiency both administratively and statistically.

MONEY COLLECTIONS (Table 6)

<i>Year</i>	<i>Aggregate</i>	<i>Restitution</i>	<i>Non-support</i>	<i>Uniform Reciprocal Support Act</i>	<i>Suspended Fines</i>	<i>Miscellaneous</i>
1961	\$10,568,791.97	\$536,655.84	\$5,388,981.39	\$1,707,981.01	\$742,743.80	\$2,192,429.93*
1960	9,040,474.15	428,412.80	6,573,972.44	1,394,364.57	603,545.48	40,178.86
1959	8,392,402.08	382,829.13	6,220,669.44	1,173,884.10	546,665.49	68,353.92
1958	7,581,154.88	348,405.99	5,728,852.58	955,682.71	490,149.11	58,064.49

* Includes accommodation collections.

COST OF PROBATION SERVICE

Reports from the courts to the Office of the Commissioner of Probation are processed on a calendar year basis while the costs of the Committee on Probation and the Commissioner's Office are processed on the basis of a fiscal year ending June 30th, for this reason, we are unable to present the 1961 totals in the two latter instances.

The aggregate costs of probation rose from \$2,537,536.24 in 1958 to \$2,971,721.72 in 1960, an average increase of approximately \$220,000 per year. It is estimated that the 1961 aggregate costs will include an increase of somewhat the same size.

Based on the 1960 aggregate costs and the 1960 probation population the per capita cost for that year was \$128.50 per probationer. This amount may be compared to the 1957 per capita cost of \$114.00 and the 1953 per capita cost of \$92.00 per probationer, as indications of increases in personnel and salaries for the year ending June 30, 1960. The gross per capita cost of a person in the custody of the Department of Correction was \$3,210.00, and the net per capita cost per prisoner was \$2,776.00 from which figures it might be concluded that the Commonwealth could well afford to double the per capita cost of a probationer and still attain a financial gain ten times the per capita cost of a prisoner.

COST OF PROBATION (Table 7)

<i>Aggregate</i>				
<i>Year</i>	<i>Total</i>	<i>Probation Officers</i>	<i>Comm'r of Probation</i>	<i>Committee on Probation</i>
1961	\$3,024,901.95	\$3,024,901.95	Not available	Not available
1960	2,971,721.72	2,715,585.39	\$255,616.33	\$520.00
1959	2,687,834.01	2,446,754.40	239,379.61	1,700.00
1958	2,537,536.24	2,308,360.30	228,190.94	985.00

<i>Salaries</i>				
<i>Year</i>	<i>Total</i>	<i>Probation Officers</i>	<i>Comm'r of Probation</i>	<i>Committee on Probation</i>
1961	\$1,927,775.30	\$1,927,775.30	Not available	Not available
1960	1,721,198.61	1,699,778.61	\$21,000.00	\$420.00
1959	1,562,893.83	1,540,493.83	21,000.00	1,400.00
1958	1,482,258.06	1,460,523.06	21,000.00	735.00

Pro-tem Officers

<i>Year</i>	<i>Total</i>	<i>Probation Officers</i>	<i>Comm'r of Probation</i>	<i>Committee on Probation</i>
1961	\$38,728.44	\$38,728.44	—	—
1960	35,812.60	35,812.60	—	—
1959	38,097.93	38,097.93	—	—
1958	45,139.55	45,139.55	—	—

Clerical Assistance

<i>Year</i>	<i>Total</i>	<i>Probation Officers</i>	<i>Comm'r of Probation</i>	<i>Committee on Probation</i>
1961	\$865,341.55	\$865,341.55	Not available	Not available
1960	1,002,784.79	785,360.84	\$217,423.95	—
1959	883,392.34	684,051.23	199,341.11	—
1958	821,344.23	629,990.97	191,353.26	—

Expenses

<i>Year</i>	<i>Total</i>	<i>Probation Officers</i>	<i>Comm'r of Probation</i>	<i>Committee on Probation</i>
1961	\$193,056.66	\$193,056.66	Not available	Not available
1960	211,925.72	194,633.34	\$17,192.38	\$100.00
1959	203,449.91	184,111.41	19,038.50	300.00
1958	188,794.40	172,706.72	15,837.68	250.00

CONCLUSION

Progress has been made within the last four years in coordinating and integrating the service throughout the Commonwealth. The sustained interest of the Committee on Probation and the growing concern of the justices and probation staffs in maintaining and raising the standards of work have been most encouraging. The continuing requests for evaluation of the services and the increasing instances of courts desiring conferences with this Office to obtain the best qualified probation officer material is an indication of the awareness of the importance of this rehabilitative adjunct of the judicial criminal system. The Commissioner is much encouraged by the growing spirit of cooperation between his office and the many court units, as well as other agencies in the general field.

The Division of Legal Medicine of the Department of Mental Health has been of inestimable value to the probation service. At the request of the several district courts and the Suffolk Superior Court Probation Department, twelve of these psychiatric clinics have been established during the last six years in Cambridge, Framingham, Waltham, Malden, Quincy, Brookline, Stoughton, Worcester, Springfield, Holyoke, Roxbury and the Suffolk Superior Court. They are staffed by the Division with qualified psychiatrists and, in many instances, with psychologists, psychiatric social workers and clerical staff. Court cases, both juvenile and adult including family members, are referred by the several probation departments for study, diagnosis and, in some instances, treatment. Case conferences are held with the Division and probation staff in attendance. In 1961, 1,361 juveniles and adults were seen and diagnoses or treatments undergone in addition to which many more conferences were held. One very important by-product of this development is the element of in-service training afforded probation personnel growing out of the case conferences. It is to be hoped that the Division will be able to secure adequate staff to meet the increasing court demands for this invaluable service.

As an outgrowth of the course for correction workers mentioned above and, with the enthusiastic cooperation of the Massachusetts Probation Association, this office is seeking funds to inaugurate a sustained regional in-service training course for probation officers and clerical staff, hopefully to begin in the Fall of 1962. The necessity for standards of approach to probation problems of investigation, supervision and office administration, becomes increasingly essential as the service grows in size as well as in importance to the courts. It is highly essential for the communities and the welfare and safety of the Commonwealth that such orientation and indoctrination be available to the probation service.

The Commissioner is appreciative of the cooperation given his office by the probation officers and their staffs, and would not conclude this report without expressing his deep gratitude to the staff at 206 New Court House, for their collective and individual dedication to their work in the office under heavy pressure and lack of personnel, but which is done with enthusiasm and cheerfulness, none the less.

The Commissioner deeply regrets to report the voluntary retirement of Miss Catherine C. McCarthy, Assistant to the Commissioner, in April of 1961. She began her service in 1914 when the staff consisted of the Deputy Commissioner Herbert C. Parsons, now deceased, and three staff in one room in the Old Pemberton Square Court House; assisted in the development of the present state-wide court record bureau, the move to 20 Somerset Street and the return to the New Court House in 1937. She maintained the high efficiency and cheerful atmosphere of the present bureau staff of fifty-six women. Miss McCarthy will long be missed and it is our hope that she finds contentment and long life in her well earned leisure.

Mr. John F. Mulcahy, Director of Research, has been appointed to succeed her as Assistant to the Commissioner.

Respectfully submitted,

ALBERT B. CARTER,
Commissioner

